



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

for

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,189	04/02/2001	Akio Saito	35.C15267	7310
5514	7590	12/12/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			TRAN, TRANG U	
		ART UNIT	PAPER NUMBER	
		2614		
DATE MAILED: 12/12/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/822,189	SAITO, AKIO	
	Examiner	Art Unit	
	Trang U. Tran	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 September 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 25-33 and 35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 25-33 and 35 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 30, 2005 has been entered.

Response to Amendment

2. Claims 26-29 and 31-33 should include status identifiers, using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).

Response to Arguments

3. Applicant's arguments with respect to claims 25-33 and 35 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 25-33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al (US Patent No. 5,850,218) in view of Tsumori et al. (US Patent No. 5,438,372).

In considering claim 25, LaJoie et al discloses all the claimed limitations, noted 1) the claimed inputting video data and program information data into an apparatus is met by the in-band tuner 41, an out-of-band tuner 42, and an out-of-band transmitter 43 (Fig. 3, col. 13, lines 6-21), 2) the claimed displaying video images of a first program derived from the inputted video data on a display device is met by the television display 100 which has the information banner 124 and 126 (Fig. 4, col. 15, lines 10-56), 3) the claimed displaying on the display device, in response to a change from the first program to a second program, program information for the second program derived from the inputted program information data, together with video images for the second program derived from the inputted video data is met by the channel selection function and the display screens 106 and 108 (Fig. 4, col. 15, line 10 to col. 16, line 9), and 4) the claimed displaying a setting screen for setting the program information for the second program is met by a channel setting menu 190 and a general setting menu 224 (Figs. 9 and 10, col. 19, line 39 to col. 20, line 52).

However, LaJoie et al explicitly do not disclose the newly added claimed displaying a setting screen for setting a time period of displaying the program information for second program, wherein the time period of displaying the program information for the second program meets a condition set at the setting screen.

Tsumori et al teach that if the timer item 36b4 in the main menu of Fig. 4 is selected, a timer menu is displayed on the mini-viewing screen 36b together with a cursor 36b40, as shown in Fig. 9a, the timer menu comprises... an item 36b47 relating to time set for setting the time, and an item 36b48 relating to time display for displaying the time (Figs. 4 and 9a, col. 17, line 19 to col. 18, line 13).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the timer setting and time display as taught by Tsumori et al into LaJoie et al's system in order to allow the user to control the picture-in-picture display while viewing that display at the same time.

In considering claim 26, the claimed a reception step, of receiving transport stream data transmitted by digital television broadcasting is met by MPEG-2 transport stream (Fig. 3, col. 14, lines 31-39), and the claimed a deriving step, of deriving the video data from the transport stream data received in said reception step is met by MPEG-2 decompress unit 33 (Fig. 3, col. 14, lines 31-39 of LaJoie et al).

In considering claim 27, the claimed a reception step, of receiving transport stream data transmitted by digital television broadcasting is met by MPEG-2 transport stream (Fig. 3, col. 14, lines 31-39 of LaJoie et al), and the claimed a deriving step, of deriving the program information data from the transport stream data received in said reception step is met by the current channel's channel number 116, the current channel's call sign 118, current time 120, the current program's name 123, running time 125, and elapsed time 127 (Fig. 4, col. 15, lines 10-35 of LaJoie et al).

In considering claim 28, the claimed further comprising the step of storing in a memory the program information data derived in said deriving step, wherein the program information for the second program is derived from the program information data stored in the memory is met by the capability of displaying the current channel's channel number 116, the current channel's call sign 118, current time 120, the current program's name 123, running time 125, and elapsed time 127 (Fig. 4, col. 15, lines 10-35 of LaJoie et al.).

In considering claim 29, the claimed further comprising a manual setting step, of setting contents of the program information to be displayed in said program information displaying step is met by the general setting menu 224 (Fig. 10, col. 20, lines 9-36 of LaJoie et al.).

In considering claim 30, the claimed wherein said manual setting step includes setting at least one of a display timing, a display area, a display character size, a display method, a number of display repetition, and display contents is met by the general setting menu 224 (Fig. 10, col. 20, lines 9-36 of LaJoie et al.).

In considering claim 31, the claimed wherein said program information display step includes displaying in response to turning on of the apparatus, the program information for the first program derived from the program information data, together with video images of the first program derived from the input video data is met by the capability of displaying the current channel's channel number 116, the current channel's call sign 118, current time 120, the current program's name 123, running time 125, and elapsed time 127 (Fig. 4, col. 15, lines 10-35 of LaJoie et al.).

In considering claim 32, the claimed wherein said program information display step includes displaying program information for the second program on the display device in response to a broadcast end of the first program, followed by a broadcast of the second program and display of the video images of the second program is also met by the capability of displaying the current channel's channel number 116, the current channel's call sign 118, current time 120, the current program's name 123, running time 125, and elapsed time 127 (Fig. 4, col. 15, lines 10-35 of LaJoie et al).

In considering claim 33, the claimed wherein said program information displaying step includes displaying video images of the second program derived from the input video data include commercial video images and, in response to a change from the first program to the second program, the program information for the second program is displayed on the display device together with the commercial video images is met by the channel selection function and the display screens 106 and 108 (Figs. 4 and 28, col. 15, line 10 to col. 16, line 9 and col. 30, line 65 to col. 32, line 55 of LaJoie et al).

In considering claim 35, the claimed wherein the program information for the second program is displayed so as to veil a part of the video image of the second program is met by the television display 100 which has the information banner 124 and 126 (Fig. 4, col. 15, lines 10-56 of LaJoie et al).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2614

Kayashima et al. (US Patent No. 5,488,427) disclose television system including television set, and accessory devices controlled by a single remote control device.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (571) 272-7358. The examiner can normally be reached on 8:00 AM - 5:30 PM, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Trang U. Tran
Examiner
Art Unit 2614

TT
December 8, 2005